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Paper No. 4

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OFFICE OF PETITIONS

In re Application of :
Peter Kotsinadelis :
Application No. 10/037,284 : DECISION GRANTING PETITION
Filed: 3 January, 2002 :
Atty Docket No. 4366-47 :

This is a decision on the petition styled under 37 CFR 1.182, filed on 13 February, 2002, which is treated as a petition requesting that the above-identified application be accorded a filing date of 3 January, 2002, with three (3) sheets of drawings as a part of the original disclosure.

On 3 January, 2002, the application was filed.

On 4 February, 2002, Initial Patent Examination Division mailed a "Notice of Incomplete Nonprovisional Application" stating that the application had not been accorded a filing date because the application was deposited without drawings and that the filing date of the application would be the date of receipt of the drawings.

In response, on 13 February, 2002, the present petition, a \$130.00 petition fee, and three (3) sheets of drawings were filed. Petitioner argues that three (3) sheets of drawings were filed with the other application papers on 3 January, 2002, and that the drawings were misplaced in the U.S. Patent and Trademark Office (Office). In support of the petition, a copy of petitioner's postcard receipt was supplied with the petition. The postcard receipt, which shows an Office stamp of 3 January, 2002, and the above-identified application number, acknowledges receipt of, *inter alia*, 3 sheets of drawings. Petitioner requests that the application, including three (3) sheets of drawings, be accorded a filing date of 3 January, 2002.

Upon review of the record, no sheets of drawings deposited on 3 January, 2002, have been located among the application papers. However, the evidence is convincing that the application papers deposited on 3 January, 2002, included three (3) sheets of drawings, which were subsequently misplaced in the USPTO. Therefore, the application, including three (3) sheets of drawings, was complete on filing and entitled to a filing date of 3 January, 2002.

In view of the above, the petition is granted. The application will be processed with the three (3) sheets of drawings submitted with the present petition. The petition fee is unnecessary and will be credited to counsel's deposit account, No. 19-1970.

The "Notice" mailed on 4 February, 2002, was sent in error and is hereby withdrawn.

The application is being returned to Initial Patent Examination Division for processing with a filing date of 3 January, 2002, using the application papers filed on that date, and the three (3) sheets of drawings supplied on 13 February, 2002, and for an indication on the bib-data sheet that three (3) sheets of drawings were present on filing.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Douglas I. Wood at 703 308-6918.



Douglas I. Wood
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy



Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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REQUEST FOR PATENT FEE REFUND											
1 Date of Request: <u>6-18-02</u>		2 Serial/Patent # <u>10/037284</u>									
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT							
	Filing			\$							
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10 REASON:		Treasury Check									
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X	No Fee Due (Explanation): <u>PET DOE TO PTO ERROR</u>										
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